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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

	:	
NATHANIEL GAINER,	:	
Plaintiff,	:	Civil Case No.:
vs.	:	
GC SERVICES, LP,	:	PLAINTIFF HAS VERIFIED
Defendant.	:	COMPLAINT
	:	

VERIFIED COMPLAINT

Plaintiff, NATHANIEL GAINER (Plaintiff), through his attorneys, alleges the following against Defendant, GC SERVICES, LP (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

PARTIES

2. Plaintiff is a natural person residing at 6458 Jefferson, Mizpah, New Jersey 07060.
3. Defendant is a national debt corporation, located in Houston, TX
4. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
5. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

7. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
8. Defendant conducts business in the State of New Jersey, and therefore, personal jurisdiction is established.
9. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

FACTUAL ALLEGATIONS

11. In or around October of 2013, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
12. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
13. Defendant called Plaintiff's telephone number at 609-476-39XX.

14. In or around September of 2013, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. See transcribed voicemail message attached hereto as Exhibit A.
15. In the voicemail message, Defendant failed to meaningfully disclose the company's name or the nature of the call or state that the call was from a debt collector. See transcribed voicemail message attached hereto as Exhibit A.
16. In the voicemail message, Defendant directed Plaintiff to call back telephone number 866-391-0768, extension 5077, which is a number that belongs to Defendant. See transcribed voicemail message attached hereto as Exhibit A.
17. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person
 - b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant did not provide the identity of the caller or the nature of the debt.
 - c. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation with the collection of the debt.
 - d. Defendant violated §1692e(11) of the FDCPA by failing to disclose that the call

was from a debt collector.

Wherefore, Plaintiff, NATHANIEL GAINER, respectfully requests judgment be entered against

ABSOLUTE Collection Corp., for the following:

19. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
21. Any other relief that this Honorable Court deems appropriate.

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

Pursuant to Local Rule 11.2, I certify that this matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

DATED: December 31, 2013

The Law Offices of Jennifer M. Kurtz, LLC

By: /s/ Dennis Kurz

Dennis R. Kurz, Esq.

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Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF NEW JERSEY)

Plaintiff, NATHANIEL GAINER, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, NATHANIEL GAINER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: _____

NATHANIEL GAINER,
Plaintiff

EXHIBIT A

Hello, this message is for Nathaniel Gainer. My name is "Michelle Denoncort." I would appreciate you calling me back. You can reach me at 866-391-0768, extension 5077. Thank You.